Appl. No. **Error! Reference source not found.**50
Response Dated July 10, 2008
Reply to Office Action of May 1, 2008

Docket No.: 1020.P18417
Examiner: Benjamin P. Geib
TC/A.U. 2181

REMARKS

Claims 1, 2, 4-11, and 17-30 are pending in this application. Claims 1, 4, 10, 11, 17, 19, 24, and 26 have been amended. Claim 3 has been canceled without prejudice. Claims 12-16 were previously canceled without prejudice. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested.

Double Patenting Rejection

Applicant respectfully submits that a new terminal disclaimer is being filed herewith, and removal of this rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-4, 7-11, 17-20, 22-27, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "Architecture and Application of a Dynamically Reconfigurable Hardware Array for Future Mobile Communication Systems" by Alsolaim et al. ("Alsolaim") in view of United States Patent Number (USPN) 4,791,603 to Henry ("Henry"). Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Applicant respectfully submits that Alsolaim and Henry, whether taken alone or in combination, fail to teach or suggest every element recited in amended independent claim 1. Therefore, Alsolaim and Henry, whether taken alone or in combination, are insufficient to render amended independent claim 1 obvious under § 103(a).

Applicant has amended independent claim 1 to incorporate the subject matter of canceled claim 3. For example, amended independent claim 1 recites the following language in relevant part:

Appl. No. **Error! Reference source not found.**50
Response Dated July 10, 2008
Reply to Office Action of May 1, 2008

Docket No.: 1020.P18417
Examiner: Benjamin P. Geib
TC/A.U. 2181

> a memory unit to store input data for a plurality of
> functions;
> a control unit having a control unit state machine module
> configured with a fuse map to control execution of said plurality of
> functions, said control unit to select a function to execute using a
> function identifier;
> a configuration memory to store configuration parameters
> for said control unit, said configuration parameters including said
> fuse map and table content data;

On page 3, paragraph 7, the Office Action relies on portions of Alsolaim describing a Configuration Memory Unit. Applicant respectfully submits that the Configuration Memory Unit of Alsolaim fails to teach or suggest all the features of the claimed subject matter. For example, Alsolaim at the given cite, in relevant part, states "the CMU (Configuration Memory Unit) holds configuration data for performing fast dynamic reconfiguration for each of these four RPUs (Reconfigurable Processing Unit) and is controlled by one responsible CSU (Communication Switching Unit)." By way of contrast, the claimed subject matter recites "a configuration memory to store configuration parameters for said control unit, said configuration parameters including said fuse map and table content data."

Alsolaim arguably discloses a Configuration Memory Unit to store configuration data for the reconfiguration of Reconfigurable Processing Units. Applicant respectfully submits that this is clearly different than the claimed subject matter which recites "a configuration memory to store configuration parameters for a control unit."

Furthermore, with respect to the recited claim language above, the Office Action argues "since the RPU-controller guides all operations, it inherently must select a function (i.e. operation) using a function identifier." Applicant respectfully submits that "in relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy,* 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990).

In this case, the Office Action has failed to provide a factual basis that proves selecting "a function to execute using a function identifier" is the only way for the RPU-controller of Alsolaim to guide all operations. For example, the RPU-controller within

Appl. No. **Error! Reference source not found.**50
Response Dated July 10, 2008
Reply to Office Action of May 1, 2008

Docket No.: 1020.P18417
Examiner: Benjamin P. Geib
TC/A.U. 2181

each Reconfigurable Processing Unit may be designed to operate without functions or function identifiers. Therefore, Alsolaim fails to disclose, teach, or suggest the missing language of the claimed subject matter for at least this additional reason.

Even if Alsolaim and Henry could be combined, which Applicant does not admit, such combination would not teach or suggest all the features of amended independent claim 1. Further, Applicant submits that there is no teaching, suggestion, or motivation to modify Alsolaim and/or Henry to include all the features of amended independent claim 1. Consequently, Alsolaim and Henry, whether taken alone or in combination, are insufficient to render amended independent claim 1 obvious under § 103(a).

For at least the above reasons, Applicant submits that amended independent claim 1 is allowable and that dependent claims 2, 4, and 7-11 are also allowable by virtue of their dependency, as well as on their own merits. In addition, amended independent claims 17 and 24 recite features similar to those recited by amended independent claim 1. Therefore, Applicant respectfully submits that amended independent claims 17 and 24 are allowable for reasons analogous to those presented with respect to amended independent claim 1 and that dependent claims 18-20, 22, 23, 25-27, 29, and 30 are also allowable by virtue of their dependency, as well as on their own merits. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claims 1-4, 7-11, 17-20, 22-27, 29, and 30.

Claims 5, 6, 21, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Alsolaim in view of Henry, and further in view of USPN 4,862,407 to Fette et al. ("Fette"). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Alsolaim, Henry, and Fette, whether taken alone or in combination, fail to teach or suggest every element recited in amended independent claims 1, 17, and 24. Therefore, Alsolaim, Henry, and Fette, whether taken alone or in combination, are insufficient to render amended independent claims 1, 17, and 24 obvious under § 103(a). For example, none of the above references teaches or suggests "a configuration memory to store configuration parameters for said control unit, said configuration parameters including said fuse map and table content data."

Appl. No. **Error! Reference source not found.**50   Docket No.: 1020.P18417
Response Dated July 10, 2008   Examiner: Benjamin P. Geib
Reply to Office Action of May 1, 2008   TC/A.U. 2181

Even if Alsolaim, Henry, and Fette could be combined, which Applicant does not admit, such combination would not teach or suggest all the features of amended independent claims 1, 17, and 24. Further, Applicant submits that there is no teaching, suggestion, or motivation to modify Alsolaim, Henry, and/or Fette to include all the features of amended independent claims 1, 17, and 24. Consequently, Alsolaim, Henry, and Fette, whether taken alone or in combination, are insufficient to render amended independent claims 1, 17, and 24 obvious under § 103(a).

For at least the above reasons, Applicant submits that amended independent claims 1, 17, and 24 are allowable and that dependent claims 5, 6, 21, and 28 are also allowable by virtue of their dependencies, as well as on their own merits. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of claims 5, 6, 21, and 28.

Conclusion

It is believed that claims 1-2, 4-11, and 17-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Applicant does not otherwise concede, however, the correctness of the rejection set forth in the Office Action with respect to any of the features of the independent claims and dependent claims. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the claims from the cited references, taken alone or in combination, based on additional features contained in the independent claims or dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

The Examiner is invited to contact the undersigned at 724-933-9344 to discuss any matter concerning this application.

Appl. No. **Error! Reference source not found.**50
Response Dated July 10, 2008
Reply to Office Action of May 1, 2008

Docket No.: 1020.P18417
Examiner: Benjamin P. Geib
TC/A.U. 2181

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC

/Robert V. Racunas/

Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: July 10, 2008

KACVINSKY LLC
C/O Intellevate
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529